

**NYS Helmet Law for Equestrians
January 5, 2000**

In 1999 the New York State Legislature passed the Helmet Law for Equestrians. This law is the first of its kind in the nation and was passed unanimously by the NYS Assembly. The law officially takes effect on January 5, 2000. Assemblyman Robin Schimminger has been a staunch supporter and prime sponsor of helmet legislation for equestrians for the past 10 years. That's when one of the residents in his district was killed in a riding accident after a fall from a horse. The new law requires that approved helmets, be worn by equestrians under the age of 14. It also requires use for some adults riding at hack stables.

Section 1. The vehicle and traffic law is amended by adding a new section 1265 to read as follows:

S1265. Wearing of helmets. 1. No person less than 14 years of age shall ride a horse unless such person is wearing a helmet meeting or exceeding ASTM F1163 (Safety Equipment Institute Certified) Equestrian standard. For purposes of this section; "Certified" shall mean that the helmet's manufacturer agrees to the rules and provisions of a system that included independent testing and quality control audits, and that each helmet manufactured by such manufacturer is permanently marked with the certifying body's registered mark or logo before such helmet is sold or offered for sale. For the purposes of this section, wearing a helmet means having a helmet fastened securely upon the head using the manufacturer's fitting guidelines for the particular model used.

2. Any person who violates the provisions of this section shall pay a civil fine not to exceed fifty dollars. A police officer shall only issue a summons for a violation of this section by a person less than fourteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian, and shall not be issued to the person less than fourteen years of age.

3. (A) The Court shall waive any civil fine for which a person who violates the provisions of the section would be liable if such person violates the provisions of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet.

(B) The Court shall waive any civil fine for which a person who violates the provisions of the section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet.

4. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

Section 2. The general business law is amended by adding a new section 396-DD to read as follows:

S. 396-DD Renting of horses, helmets and safety information.

1. For the purposes of this section, the following terms shall have the following meanings:

A. "Horse" includes a horse, pony, mule or hinny.

B. "Horse Provider" includes any person, firm, corporation or other legal entity hiring or renting out horses for riding or providing training in the riding of horses for consideration.

2. Every horse provider shall provide protective helmets to beginning riders and to riders less than fourteen years of age at no cost beyond the rental fee; offer all riders the use of such protective helmets regardless of their age or experience; and provide appropriate helmet safety information to all riders.

3. Such helmets shall comply with the requirements of section twelve hundred sixty five of the vehicle and traffic law.

4. A knowing violation of this section shall be subject to a civil penalty not to exceed fifty dollars for each such violation.

Equine Update January, 2001

Parent Sign: _____ Date _____

Return to: Mary Crandall, PO Box 227, Mayville, NY 14757